

REMARKS

This is in full and timely response the non-final Office Action mailed on July 18, 2007.

Claims 1, 3-4 and 9-38 are currently pending in this application, with claims 1, 9 and 17 being independent. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

Rejection under 35 U.S.C. §103

This rejection is traversed at least for the following reasons.

The claims include the features and steps of *determining if an identification code for said portable electronic device is listed on a negative list,*

a presence of said identification code on said negative list identifying said portable electronic device as a disabled device and

an absence of said identification code from said negative list identifying said portable electronic device as an enabled device.

Paragraph [0040] through [0042] of 2001/0027435, the publication document for the present application, provides as follows.

[0040] Conversely, if the store terminal 10A has determined as a result of the mutual authentication that the IC card 5A is adapted for the IC card system 2A or 2B, the store terminal 10A proceeds from step SP2 to step SP4. In step SP4, the store terminal 10A reads the identification code from the IC card 5A, and retrieves a negative list posted from the management center 3A based on the identification code.

The store terminal 10A uses the *negative list* to determine whether the IC card 5A is *disabled* based on the negative list. The *negative list* is a list of identification codes that are periodically posted from the management center 3A. On the *negative list*, the identification codes of IC cards *disabled* on predetermined conditions are recorded.

[0041] If it is found in step SP4 that the IC card 5A corresponds to one of the IC cards *recorded on the negative list*, the store terminal 10A proceeds from step SP4 to step SP5, and displays an error message indicating that the IC card 5A cannot make a payment. After that, the store terminal 10A proceeds to step SP3, and terminates its processing. This enables the store terminal 10A to prevent the use of an illegal IC card and the use of an IC card based on credit over a limited amount.

[0042] If the IC card 5A is *not listed on the negative list*, the store terminal 10A proceeds from step SP4 to step SP6. In step SP6, the balance of electronic money is loaded from the IC card 5A into the store terminal 10A. In step SP7, the store terminal 10A determines whether the loaded balance is sufficient for a payment amount. If the determination is affirmative, the store terminal 10A proceeds to step SP8. In step SP8, the store terminal 10A subtracts the amount of money required for the user to purchase goods from the balance of electronic money, and uses the obtained amount to update the balance of electronic money recorded in the IC card 5A. After that, the store terminal 10A proceeds to step SP3 and terminates its processing.

UK Patent Application No. GB 2 303 956 to Nonaka et al. (Nonaka) - Nonaka arguably teaches an electronic purse loan system wherein a repayment term storage may be provided in the personal information storage 34 in the center 3 (Nonaka at page 19, line 23 to page 20, line 5).

Nonaka arguably teaches the presence of an ID number storage 60 (Nonaka at page 7, line 19).

However, Nonaka *fails* to disclose, teach or suggest *an absence* of an ID number from the storage 60 as identifying an ID card 1 as an enabled device.

Instead, Nonaka merely determines whether or not the ID number is “cataloged” (Nonaka at Figure 3, steps S106 and S121; Figure 4, steps S206 and S221; Figure 6, steps S308; Figure 8, steps S406 and S420; Figure 11, steps S506).

- *Thus, Nonaka fails to disclose, teach or suggest the features and steps of determining if an identification code for said portable electronic device is listed on a negative list, a presence of said identification code on said negative list identifying said portable electronic device as a disabled device and an absence of said identification code from said negative list identifying said portable electronic device as an enabled device.*

Japanese Application Publication number 11-161832 (Purse Japan:KK) - The Office Action cites Purse Japan:KK for the features that are deficient from within Nonaka.

However, Purse Japan:KK *fails* to disclose, teach or suggest an absence of said identification code from said negative list identifying said portable electronic device as an enabled device.

- *Thus, Purse Japan:KK fails to disclose, teach or suggest the features and steps of determining if an identification code for said portable electronic device is listed on a negative list, a presence of said identification code on said negative list identifying said portable electronic device as a disabled device and an absence of said identification code from said negative list identifying said portable electronic device as an enabled device.*

Japanese Application Publication number 62-264364 (Kamimura) - The Office

Action cites Kamimura for the features that are deficient from within Nonaka.

However, Kamimura *fails* to disclose, teach or suggest an absence of said identification code from said negative list identifying said portable electronic device as an enabled device.

- *Thus, Kamimura fails to disclose, teach or suggest the features and steps of determining if an identification code for said portable electronic device is listed on a negative list,*
a presence of said identification code on said negative list identifying said portable electronic device as a disabled device and
an absence of said identification code from said negative list identifying said portable electronic device as an enabled device.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

All previous arguments previously made are incorporated herein by reference.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Therefore, this response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

There is no concession as to the veracity of Official Notice, if taken in any Office Action. An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: December 18, 2007

Respectfully submitted,

By 

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